

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

Hector Bonifacio,

Plaintiff,

-against-

16 **CIVIL** 8379 (AJN)

JUDGMENT

United States of America, et al.,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 28, 2020, the Government's motion to dismiss is GRANTED. A court should generally grant a pro se plaintiff "leave to amend at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated." *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (cleaned up). Here, however, Mr. Bonifacio has submitted two amended complaints, for a total of three complaints. He has thus far failed to state a claim and there is no indication that, if provided with a fourth opportunity for amendment, he would be able to do so. The Court has declined to grant Mr. Bonifacio leave to file a fourth amended complaint, and the Court's dismissal is thus with prejudice. See *Esposito v. N.Y.*, 355 Fed. Appx. 511, 513 (2d Cir. 2009) ("[I]t would have been futile to give Appellant leave to amend her complaint because she had already amended it twice."). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, this case is closed.

Dated: New York, New York

September 29, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

Deputy Clerk